

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

JAMON HESTAND,
PLAINTIFF

V.

CASE NUMBER 6:20-CV-00071

CAPTAIN, JAMADRE ENGE §
CAPTAIN, CAPTAIN, OLIN C. STATHAM, JR. §
CAPTAIN, CAPTAIN, JASON M. GOULD §
CHAPLAIN, SAMUEL C. ARCIPRESTE §
CHAPLAIN, RANDALL S. CLARKE §
CHAPLAIN, THOMAS R. TAYLOR §
CORRECTIONS INSTITUTION DIVISION §
DIRECTOR, §
BOBBY LUMPKIN §
FORMER CORRECTIONS INSTITUTION §
DIVISION DIRECTOR, §
LORIE DAVIS §
CORRECTIONS OFFICER, VICTOR V. AFUN §
CORRECTIONS OFFICER, BARBARA NEAL §
CORRECTIONS OFFICER, AGUILAR §
CORRECTIONS OFFICER, MICHAEL O. §
CASTEEL, §
CORRECTIONS OFFICER, LOURENS A. §
JACKSON §
CORRECTIONS OFFICER, IAN DAVIS §
CORRECTIONS OFFICER, KIMBERLY D. §
THOMPSON §
CORRECTIONS OFFICER, OBADINA S. §
OMAKA §
CORRECTIONS OFFICER, OLADIPO OLUFEMI §
DIRECTOR OF CLASSIFICATION, MARK §
SANDLIN §
DOCTOR, GARY WRIGHT §
GRIEVANCE INVESTIGATOR, TAMMY L. §
RAINEY §
GRIEVANCE INVESTIGATOR, BRITTANI F. §
RODRIGUEZ §
GRIEVANCE INVESTIGATOR, MELISSA B. VIXHA §
GRIEVANCE INVESTIGATOR, MONTE P. NABORS §
GRIEVANCE INVESTIGATOR, DEBBIE L. POOLE §
GRIEVANCE INVESTIGATOR, D. RODEN §
GRIEVANCE INVESTIGATOR, J. PETERSON §
GRIEVANCE INVESTIGATOR, T. VASSILICO §

Plaintiff's Motion to Reinstate After Dismissal Without Prejudice - Jamon N. Hestand

GRIEVANCE INVESTIGATOR, KATHY GREY §
 GRIEVANCE INVESTIGATOR, KHARI MOTT §
 GRIEVANCE INVESTIGATOR, ANDREY VASLJEV §
 GRIEVANCE INVESTIGATOR, DAWN M. HUFFMAN §
 GRIEVANCE INVESTIGATOR, RACHEL R. ROWLAND §
 GRIEVANCE INVESTIGATOR, B. BARNETT §
 GRIEVANCE INVESTIGATOR, M. BLALOCK §
 GRIEVANCE INVESTIGATOR, M. LEWANDOWSKI §
 GRIEVANCE INVESTIGATOR, I-0352 §
 GRIEVANCE INVESTIGATOR, B. HOWARD §
 GRIEVANCE INVESTIGATOR, J. SMITH §
 GRIEVANCE INVESTIGATOR, C. MCKELLEN §
 GRIEVANCE INVESTIGATOR, TIMOTHY C. JONES §
 GRIEVANCE INVESTIGATOR, S. GURROLA §
 GRIEVANCE INVESTIGATOR, C. MARTINEZ §
 GRIEVANCE INVESTIGATOR, K. WARD §
 GRIEVANCE INVESTIGATOR, JESSICA RILEY §
 GRIEVANCE INVESTIGATOR, V. BARROW §
 GRIEVANCE INVESTIGATOR, I-0964 OIG §
 GRIEVANCE INVESTIGATOR, M. TRAVIS §
 GRIEVANCE INVESTIGATOR, H. YARBROUGH §
 GRIEVANCE INVESTIGATOR, V. BARNES §
 GRIEVANCE INVESTIGATOR, B. FERGUSON §
 GRIEVANCE INVESTIGATOR, H.M. PEDERSON §
 GRIEVANCE INVESTIGATOR, JESSICA BACK §
 GRIEVANCE SUPERVISOR, MARGARET M. PRICE §
 LIEUTENANT, GWENDOLYN R. FULLER §
 LIEUTENANT, SHERRELL D. MCCOY §
 LIEUTENANT, SHAYNA M. MCARTHUR §
 LIEUTENANT, ERIK. L. BRANNAN §
 LIEUTENANT, VERNON L. ALLEN §
 LIEUTENANT, DEREK W. LIGHT §
 LIEUTENANT (NOW SERGEANT), ELDRICK §
 BIRDOW §
 MAILROOM SUPERVISOR, AMY E. MCCALISTER §
 MAJOR, TODD R. FUNAI §
 MAJOR, TIMOTHY FITZPATRICK §
 MAJOR, SEAN F. MARSHALL §
 MAJOR, GUILLERMO M. DELAROSA §
 MHPM, DAVID STEBBINS, MD §
 PROVIDER, ROSEMARY OFILI §
 SARGENT, COLLINS K. SINTIM §
 SARGENT, CARLOS U. DURAN §
 SARGENT, PRINCE C. HALL §
 SERGEANT, ADESANNYA S. ADENIRAN §
 SERGEANT, CODY J. GARNER §

SERGEANT, ABBIE G. ANDREWS	§
SERGEANT, DANIEL R. JETT	§
SERGEANT, CHASE R. JOHNSON	§
SERGEANT, FRANCIS KYEI	§
SERGEANT, KAMRY D. KINDER	§
SERGEANT, RAHNESIA L. MULLINS	§
SERGEANT, SERGEANT MABLE G. SWEAT	§
SERGEANT, FRANKLIN G. NZERIBE	§
SERGEANT, SERGEANT JOHN H. HOLMES, III	§
FORMER TEXAS BOARD OF CRIMINAL	§
JUSTICE CHAIRMAN,	§
DALE WAINWRIGHT	§
TEXAS BOARD OF CRIMINAL JUSTICE	§
CHAIRMAN,	§
PATRICK O'DANIEL	§
TEXAS DEPARTMENT OF CRIMINAL JUSTICE,	§
EXECUTIVE	§
DIRECTOR, BRIAN COLLIER	§
WARDEN, DEBORAH G. COCKRELL	§
WARDEN, PENNIE R. KEMPT	§
WARDEN (NOW ASSISTANT WARDEN),	§
CHARLES O.	§
MEADOR, WARDEN (NOW DIRECTOR II),	§
CAROL E. MONROE, JR.	§
DEFENDANTS.	

**PLAINTIFF'S MOTION TO REINSTATE AFTER DISMISSAL WITHOUT
PREJUDICE**

Plaintiff, JAMON HESTAND, Movant, brings this Motion to Reinstate After this case was Dismissal Without Prejudice. In support thereof, Movant shows the Court the following:

Background

Movant was assaulted on February 13, 2018, by TDCJ prison guards acting criminally, negligently, and with deliberate indifference to Plaintiff's health, safety, and human dignity. Plaintiff's rights were continuously violated from that date until the present. On at least two more later dates, he was again assaulted in retaliation for having asserted his rights. Plaintiff specifically complains of February 13, 2018, December 9, 2019; March 9, 2020; April 5, 2020; April 7th, 2020, in which Plaintiff was subjected to continuous and repeated abuse and beatings from prison staff.

The statute of limitations to bring some of its claims in this case tolled on February 13, 2020, On November 5, 2021, this Court dismissed this case and suspended all SOL's against any Defendant for its claims.

Plaintiff had many challenges with serving summons on the defendants in this case because Plaintiff is an inmate in TDCJ and the Defendants are guards and other workers at the prison where he works. As such, the Prison has refused to allow the process server to even enter the property of TDCJ to request these individuals in order to effect service. Plaintiff paid the process server \$2,000.00 to complete the service of process. However, the process server returned it with an affidavit attesting to the total lack of cooperation from the prison officials in this matter. (See, Exhibit 1) This is the primary reason that they have not been served.

Plaintiff, Jamon Hestand, is a chronically mentally ill person who is in solitary administrative segregation. He is not relieved of confinement from his cell.

Plaintiff filed Request for Issuance of Summons as to All Defendants on June 30, 2021. Plaintiff made multiple attempts to locate and to serve his Defendants. On July 30, 2021, Plaintiff moved for an extension of time to serve all Defendants based on Defendants acts to interfere with service and the Court extended the deadline to September 1, 2021. The Court dismissed the case. The Court dismissed the case for failure to file proof of service on any of the defendants

Arguments and Authorities

Failure to Comply With Time Standards


A court should grant a motion to reinstate if the Movant shows good cause for its failure to prosecute within the appropriate time standards. The Court should reinstate this case because in spite of the fees paid for service by the attorney on behalf of the indigent Plaintiff, the private process server employed by the Plaintiff was unable to serve Defendants due to lack of cooperation

by Wardens and Staff of TDCJ. The Legal and Human Resources Department for the Texas Department of Criminal Justice have likewise routinely refused to assist or provide employment information or service for each warden to allow a process server on to the units.

Plaintiff filed a Motion for Substituted Service in Lieu of personal service on individuals whom Plaintiff's agent had otherwise not been given access to. (Exhibit 2) If this case is not reinstated on the docket and the remaining Defendants not served or otherwise ordered to answer for their actions in violation of Plaintiff's civil rights; justice will not be served.

Plaintiff, Movant, prays that this Court will grant the motion to reinstate this case on the docket, and grant such other and further relief to which Plaintiff may be justly entitled.

Respectfully submitted,



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Houston, Texas 77019
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Facsimile: (713) 640-5944
attorney@tjsololaw.com

CERTIFICATE OF CONFERENCE

I hereby certify that my office conferred with counsel for the Texas Department of Criminal Justice, and he is opposed.



Tanika J. Solomon
Attorney for Plaintiff

CERTIFICATE OF INTERESTED PARTIES TO THE SUIT

The incident(s) that formed the grounds for this action took place while Plaintiff was an offender, assigned to the Michael Unit, his current address is as follows:

PLAINTIFF:

Jamon Hestand TDCJ-ID #1343536
 Michael Unit 2664 FM 2054
 Tennessee Colony, TX 75886

DEFENDANTS:

Captain	Jamadre Enge	Michael Unit 2664	Tennessee Colony,
Captain	Olin C. Statham, Jr.	FM 2054	TX 75886
Captain	Jason M. Gould	Michael Unit 2664	Tennessee Colony,
		FM 2054	TX 75886
Chaplain	Samuel C. Arcipreste	Michael Unit 2664	Tennessee Colony,
		FM 2054	TX 75886
Chaplain	Randall S. Clarke	Michael Unit 2664	Tennessee Colony,
		FM 2054	TX 75886
Chaplain	Thomas R. Taylor	Michael Unit 2664	Tennessee Colony,
		FM 2054	TX 75886
Corrections Institution Division Director	Bobby Lumpkin	Texas Department of Criminal Justice Correctional Institutions Division PO Box 9 9	Huntsville, TX 77342-0099
Former Corrections Institution Division Director	Lorie Davis	Texas Department of Criminal Justice Correctional Institutions Division PO Box 99	Huntsville, TX 77342-0099
Corrections Officer	Victor V. Afun	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886

Corrections Officer	Barbara Neal	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Corrections Officer	Aguilar	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Corrections Officer	Michael O. Casteel,	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Corrections Officer	Lourens A. Jackson	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Corrections Officer	Ian Davis	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Corrections Officer	Kimberly D. Thompson	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Corrections Officer	Obadina S. Omaka	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Corrections Officer		Oladipo Olufemi	Tennessee Colony TX 75886
Director of Classification	Mark Sandlin	Texas Department of Criminal Justice PO Box 99	Huntsville, Texas 77320
Doctor	Gary Wright	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Grievance Investigator	Tammy L. Rainey	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Grievance Investigator	Brittani F. Rodriguez	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Grievance Investigator	Melissa B. Vixha	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886

Grievance Investigator	Monte P. Nabors	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Grievance Investigator	Debbie L. Poole	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Grievance Investigator	D. Roden	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Grievance Investigator	J. Peterson	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Grievance Investigator	T. Vassilico	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Grievance Investigator	Kathy Grey	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Grievance Investigator	Khari Mott	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Grievance Investigator	Andrey Vasljev	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Grievance Investigator	Dawn M. Huffman	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Grievance Investigator	Rachel R. Rowland	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Grievance Investigator	B. Barnett	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Grievance Investigator	M. Blalock	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Grievance Investigator	M. Lewandowski	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Grievance Investigator	I-0352	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Grievance Investigator	B. Howard	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Grievance Investigator	J. Smith		
Grievance Investigator	C. McKellen	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Grievance Investigator	Timothy C. Jones	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Grievance Investigator	S. Gurrola	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Grievance Investigator	C. Martinez	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Grievance Investigator	K. Ward	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Grievance Investigator	Jessica Riley	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886

Grievance Investigator	V. Barrow	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Grievance Investigator	I-0964 OIG	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Grievance Investigator	M. Travis	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Grievance Investigator	H. Yarbrough	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Grievance Investigator	V. Barnes	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Grievance Investigator	B. Ferguson	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Grievance Investigator	H.M. Pederson	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Grievance Investigator	Jessica Back	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Grievance Supervisor	Margaret M. Price	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Lieutenant	Gwendolyn R. Fuller	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Lieutenant	Sherrell D. McCoy	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Lieutenant	Shayna M. McArthur	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Lieutenant	Erik. L. Brannan	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Lieutenant	Vernon L. Allen	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Lieutenant	Derek W. Light	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Lieutenant (Now Sergeant)	Eldrick Birdow	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Mailroom Supervisor	Amy E. McCaliste	Michael Unit 2664 FM 2054	
Major	Timothy Fitzpatrick	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Major	Sean F. Marshall	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Major	Guillermo M. Delarosa	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886

MHPM	David Stebbins, MD	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Provider	Rosemary Ofili	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Sargent	Collins K. Sintim	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Sargent	Carlos U. Duran	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Sargent	Prince C. Hall	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Sargent	Adesannya Adeniran	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Sargent	Cody J. Garner	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Sargent	Abbie G. Andrews	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Sargent	Daniel R. Jett	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Sargent	Chase R. Johnson	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Sargent	Francis Kyei	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Sargent	Kamry D. Kinder	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886

Sargent	Rahnesia L. Mullins	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Sargent	Mable G. Sweat	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Sargent	Franklin G. Nzeribe	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Sargent	John H. Holmes, III	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Former Texas Board of Criminal Justice	Dale Wainwright	PO Box 13084	Austin, Texas 78711
Texas Board of Criminal Justice Chairman	Patrick O'Daniel	Texas Board of Criminal Justice PO Box 13084	Austin, Texas 78711
Texas Department of Criminal Justice, Executive Director	Brian Collier	209 West 14th Street, 5th Floor Price Daniel Building	Austin, TX 78701
Warden	Deborah G. Cockrell	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Warden	Pennie R. Kempt	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Warden (Now Assistant Warden)	Charles O. Meador	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886
Warden (Now Director II)	Carol E. Monroe, Jr.	Michael Unit 2664 FM 2054	Tennessee Colony, TX 75886

CERTIFICATE OF SERVICE

I certify that pursuant to the Federal Rules of Civil Procedure, a true and correct copy of Plaintiff's Motion to Reinstate was delivered to all parties of record on this the 12th day of November, 2021:

COURTNEY CORBELLO

Assistant Attorney General

courtney.corbello@oag.texas.gov

OFFICE OF THE ATTORNEY GENERAL

Law Enforcement Defense Division

P.O. Box 12548, Capitol Station

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(512) 463-2080

ATTORNEYS FOR TDCJ



Tanika J. Solomon

Attorney for Plaintiff

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TEXAS
TYLER DIVISION

JAMON HESTAND,
TDCJ #01343536,

Plaintiff,

v.

TEXAS DEPARTMENT OF
CRIMINAL JUSTICE, ET AL.

Defendant.

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No. 6:20-cv-00071

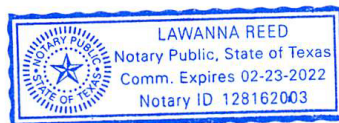
VERIFICATION

BEFORE ME, the undersigned notary public, on this day personally appeared, declare under penalty of perjury of the laws of the United States of America, on this day personally appeared Tanika J. Solomon, who having been duly sworn and upon oath says, "I am the attorney of record in the above styled and numbered cause, and the facts stated in the foregoing Motion to Reinstate are true and correct."

Tanika J. Solomon

Tanika J. Solomon
Attorney

SUBSCRIBED AND SWORN BEFORE ME on this 11th day of November, 2021



Lawanna Reed
Notary Public, State of Texas

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

**JAMON HESTAND,
PLAINTIFF**

V.

**CAPTAIN, JAMADRE ENGE, ET AL.
DEFENDANTS.**

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CASE NUMBER 6:20-CV-00071

**ORDER GRANTING MOTION TO REINSTATE AFTER DISMISSAL
WITHOUT PREJUDICE**

The Court on _____, considered the Plaintiff's Motion to Reinstate After Dismissal Without Prejudice and after reviewing all the evidence and hearing the arguments of counsel, finds that the Motion should be **GRANTED**.

IT IS ORDERED that the Plaintiff's Motion to Reinstate After Dismissal Without Prejudice is **GRANTED** and the above-styled and numbered cause be reinstated on the Court's docket and that counsel of record for the parties be notified of this action.